

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(SN) (and member case  
*Burlingame v. Bin Laden, et al.*, 02-cv-7230 (GBD)(SN))  
*Ashton, et al. v. Kingdom of Saudi Arabia*, 17-cv-02003 (GBN)(SN)

**DECLARATION OF JOHN F. SCHUTTY IN SUPPORT OF  
MOTION FOR ENTRY OF SUPPLEMENTAL, PARTIAL FINAL  
JUDGMENT AGAINST IRAN ON BEHALF OF A *BURLINGAME* PLAINTIFF**

JOHN F. SCHUTTY, ESQ., hereby states under penalty of perjury that:

1. I am an attorney representing a *Burlingame/Ashton* Plaintiff, Eileen Lynch (and her children), in the above-captioned litigation.

2. I submit this Declaration in support of the present motion for the entry of a supplemental, partial final judgment against the Islamic Republic of Iran (“Iran”) on behalf of the Estate of Farrell Lynch; Mr. Lynch perished at the World Trade Center as a result of the terrorist acts perpetrated on September 11, 2001. In support of this application, and for the convenience of this Court, I am separately filing a “[Proposed] Order for the Entry of a Supplemental, Partial Final Judgment Against Iran” on behalf of the Estate of Farrell Lynch (described within the attached Declaration of Eileen Lynch and accompanying economist report, both attached hereto as Exhibit A).

3. The sources of information and the basis for my belief in the statements contained herein stem from my representation of this *Burlingame* Plaintiff (and her children) listed in Exhibit A (and described in the attached Lynch Declaration and economist report), my work in connection with the September 11th terror attacks, my firm’s files, my conversations with the

widow and Personal Representative of the Estate of Farrell Lynch, as well as other court records relating to the multi-district litigation to which this *Burlingame* Plaintiff is a party. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

4. The claims brought on behalf of the Plaintiff Eileen Lynch described herein and within Exhibit A were part of the original *Burlingame* Complaint, styled *Burlingame, et al. v. Bin Laden, et al.*, filed on September 10, 2002, and bearing civil action number 02-cv-7230. Since this Plaintiff remains segregated in the consolidated *Ashton* filings under their original civil action number and thus can easily be identified, this Plaintiff appearing under the *Burlingame* civil action number 02-cv-7230 within the consolidated *Ashton* Complaint is being referred to hereinafter as a “*Burlingame* Plaintiff.”

5. Mr. Farrell Lynch was 39 years of age when he died in the September 11th terrorist attacks. He is survived by his wife, Eileen Lynch and three daughters, Anne Lynch, Kathleen Lynch and Meaghan Lynch (the only “immediate family members” living with this decedent at the time of his death and his only surviving New York State designated “heirs,” as set forth in Exhibit A). At the time of his death, Mr. Lynch was a Mortgage Backed Securities Broker at Cantor Fitzgerald.

6. In connection with the filing of a claim to the September 11th Victim Compensation Fund on behalf of the Estate of Farrell Lynch, I obtained information and material relevant to the calculation of economic loss attributable to Mr. Farrell’s wrongful death as of the time his Estate’s claim was submitted to the Victim Compensation Fund. That information was provided to an expert economist, Gary Crakes, Ph.D., of Maher, Crakes and Associates. Dr. Crakes took this information relevant to economic loss and prepared expert report calculations as to the present value of the Estate's economic damages. His report, which sets forth Dr. Crakes’

methodology, is attached hereto to the Declaration signed by Mr. Lynch's surviving spouse as Exhibit A. Attached to the report is Dr. Crakes' curriculum vitae.

7. The economic loss figures set forth in the attached economist report represents the present value of the estimated economic loss suffered by the Estate of Farrell Lynch as a result of his wrongful death.

8. I have been retained by Plaintiff Eileen Lynch to pursue recovery for her late husband's wrongful death, his conscious pain and suffering, and *solatium* losses arising out of his death on September 11, 2001. I have verified via written documentation and interviews, and through the Declaration of Eileen Lynch attached as Exhibit A, that the individuals described on the simultaneously filed "Proposed Order" were the only "immediate family members" living with Farrell Lynch at the time of his death, that these individuals are the only New York State defined "heirs" of their decedent husband/father, that these individuals did in fact survive the decedent and that they have not recovered fully for their damages previously. I have further confirmed that they do not have any prior judgment or pending motion before this Court for compensation arising out of the September 11th attacks.

9. In prior orders, the Court has established the loss amounts for *solatium* damages based on familial relationship to the decedents. *See, e.g.*, 03-md-1570 (02-cv-6977) (S.D.N.Y.) (GBD)(FM), Doc. No. 2623, Entered 10/03/12, pp. 4-5; 03-md-1570 (S.D.N.Y.) (GBD)(FM), Doc. No. 3300, Filed 06/16/2016, p. 1. Previously, in connection with a motion for partial final judgment brought on behalf of Mrs. Eileen Lynch and her three children, this Court awarded the following *solatium* damages to Mrs. Lynch and her three daughters:

<b>Relationship to Decedent</b>	<b><i>Solatium</i> Award</b>
Spouse (Eileen Lynch)	\$12,500,000
Each Child	\$8,500,000

10. The within motion has been filed to request that the previous default judgement against the Islamic Republic of Iran (a copy of this Order of Partial Final Judgment is attached as Exhibit B) be amended/supplemented to add two items of damage not previously awarded to the Estate of Farrell Lynch: (a) economic losses proven by Dr. Crakes (\$18,289,614) and (b) damages for the conscious pain and suffering of Farrell Lynch (\$2 million pursuant to this Court's prior Order, a copy of which is attached as Exhibit C).

11. Accordingly, simultaneously filed herewith is a "[Proposed] Order for the Entry of a Supplemental, Partial Final Judgment Against Iran" conforming with the Court's previous orders. This Proposed Order contains economic loss figures supplied by the expert report attached as Exhibit A, the *solatium* damages previously awarded to Mr. Lynch's surviving heirs and the conscious pain and suffering damages awarded to the Estate; all of these items reflect the amounts previously awarded to relatives of those killed on September 11, 2001.

12. Accordingly, I respectfully request that this Court grant the Proposed Order submitted simultaneously herewith.

Dated: December 23, 2019  
New York, New York

LAW OFFICE OF JOHN F. SCHUTTY, P.C.

By: /s/ John F. Schutty

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